

REMARKS

Claims 1-18 are pending in this application. In the Office Action, claims 1-18 are rejected over prior art. Reconsideration of the rejection is respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. §103

Claims 1-4, 8-10, 12, and 15-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over He et al. (U.S. Patent 6,088,451) in view of Asokan et al. (U.S. 2001/0017856). This rejection is respectfully traversed.

In the Examiner's "Response to Arguments" section, the Examiner states that Asokan et al. was not used to disclose processing the communication address based on a failure count accessed using the identifier for the user equipment. Instead, the Examiner used He et al. for that purpose.

However, in the Final Office Action on page 6, the Examiner alleges:

"It is also known by one of ordinary skill that the request can include the user equipment's identifier, which is used for authenticating whether or not the user equipment has rights to access a network resource. Further, requests of such nature are also explicitly disclosed in Asokan et al. (p1, paragraph 0009 and p9, claim 11)."

In the quoted passage above, the Examiner explicitly states user equipment's identifier is used to authenticate whether or not the user equipment has rights to access a network resource, as disclosed in Asokan et al. With all due respect, the Applicants disagree. Asokan et al. only discloses that a node requests an address from a DHCP server. Asokan et al. does not teach or suggest that the request include an equipment identifier.

The Examiner also alleges that when a user makes a request, “inherently from the network’s perspective, the request is coming from user equipment.” The Applicants is of the belief that the Examiner’s inherency argument is misplaced.

The He et al. reference discloses a method of preventing a rogue user from accessing network resources. In other words, a user must attempt access to a network using *his ID and password*. However, no matter which equipment he uses, he will be denied access very time, and his failure count accumulates. In other words, it is the user that is being denied, not the equipment. For example, a rogue user will be denied access using equipment A, but an authorized user will be granted access using the same equipment A. So, from the network’s perspective, access is granted or denied to the user, and not the equipment.

By contrast, the claimed invention prevents rogue equipment, not the user, from gaining access to a network resource. In other words, an authorized user will be denied access to a network, if using rogue equipment. For example, in an embodiment of present invention, the rogue equipment is identified by its EID, and the EID is compared to a list in a database. It is the failure count for specific rogue equipment that accumulates.

Also in the Examiner’s “Response to Arguments,” the Examiner alleges that “to have access to a network, the user must obtain a communication address, i.e., IP or network address.” The Applicants disagree.

He et al. relates to a security system and methods of access to network elements. He et al. is not related to a wireless system. For example, when a user element 102 accesses the internet and logs onto a specific webpage, the user element 102 does not request an IP or network address. The IP or network address is provided by the server. On the other hand, in a wireless system, user equipment (i.e., mobile equipment) does not have a static address; therefore, the user equipment must request a communication address.

For at least the reasons given above, the Applicants submit that the Examiner has failed to make a *prima facie* case of obviousness, because the Examiner's cited references individually or in combination fails to disclose all the limitations of claim 1. Therefore, claims 1-4, 8-10, 12, and 15-17 are patentable over the cited references individually or in combination thereof.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over He et al. in view of Asokan et al in view of Homes et al. (US 6,230,009).

Even from a cursory review of Homes et al, Homes et al. does not overcome the disclosure and suggestion deficiencies of He et al. in view of Asokan et al. with respect to claim 1. Therefore, He et al. in view of Asokan et al. in further view of Homes et al. cannot render claim 1 obvious to one skilled in the art. Claim 11 is a dependent claim that is indirectly dependent to claim 1, and for the same reasons used to argue for the patentability for claim 1 above, the Applicants submit that claim 11 is patentable over the Examiner's cited references.

Claims 5, 7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over He et al. in view of Asokan et al in view of Nawrocki (US 6,256,116).

Even from a cursory review of Nawrocki, Nawrocki does not overcome the disclosure and suggestion deficiencies of He et al. in view of Asokan et al. with respect to claim 1. Therefore, He et al. in view of Asokan et al. in further view Nawrocki cannot render claim 1 obvious to one skilled in the art. Accordingly, claims 5, 7 and 13-14 are patentable over the Examiner cited reference.

Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over He et al. in view of Asokan et al, in view of Homes et al., and in further view of Nawrocki (US 6,256,116).

Even from a cursory review of Nawrocki, Nawrocki does not overcome the disclosure and suggestion deficiencies of He et al. in view of Asokan et al. with respect to claim 1. Therefore, He et al. in view of Asokan et al. in further view Nawrocki cannot render claim 1 obvious to one skilled in the art. Accordingly, claims 6 and 18 are patentable over the Examiner cited reference.

CONCLUSION

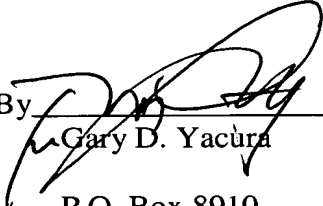
In view of the above remarks, reconsideration of the rejections and allowance of claims 1 -18 are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below. If the Examiner believes that a personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 668-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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